## REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1, 3-13, 15-17, 19-22, 25-26, 28-39 and 41-54 are pending. Claims 1, 12, 17, 25, 30, 34, 39 and 50 are independent.

In the Official Action, claims 1, 12-13, 15-17, 19-22, 25-26, 28-37, 39, 42-45 and 50-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lamkin (U.S. Patent Pub. No. 2005/0251749, now U.S. Patent No. 7,545,515). Claims 3-11, 38, 41 and 46-49 were indicated as containing allowable subject matter.

Applicant acknowledges with appreciation the indication of allowable subject matter.

Briefly recapitulating, claim 1 is directed to

> A method for reproducing contents information in a device, comprising:
>
> a) synchronously reproducing data read from a recording medium and contents information downloaded from a contents provider server connected via a network interface, said contents information being associated with the data read from the recording medium;
>
> b) sending a command for requesting re-sending of specific contents information to the contents provider server, with reference to specific information contained in normally reproduced last contents information, if reception of said contents information from said contents provider server is suspended or delayed; and
>
> c) synchronously reproducing said specific contents information re-sent from said contents provider server in response to said command and data read from said recording medium,
>
> ***wherein said specific information contained in said normally reproduced last contents information includes <u>at least one of contents information offset information</u> and offset information of said data read from said recording medium.***

Lamkin describes a method comprising:

a) receiving a removable media;

b) checking if the removable media supports media source integration;

c) checking if the removable media source is a DVD responsive to the removable media supporting source integration;

d) checking whether the device is in a movie mode or a system mode responsive to the removable media being a DVD;

e) launching standard playback and thereafter returning to step (a) responsive to the device being in the movie mode;

f) checking if the device has a default player mode of source integration when the device is in the system mode;

g) launching standard playback and thereafter returning to step (a) responsive to the device not having a default player mode of source integration;

h) checking if the removable media contains a device-specific executable program when the device having a default player mode of source integration;

i) executing the device-specific executable program when the device has the device-specific executable program and thereafter returning to step (a);

j) checking whether the device has a connection to a remote media source;

k) launching a default file from the removable media when the device does not have a remote media source connection and thereafter returning to step (a);

l) checking whether the remote media source has content relevant to the removable media;

m) displaying the relevant content when the relevant content exists and thereafter returning to step (a);

n) otherwise launching a default file from the removable media and thereafter returning to the step (a); and

o) returning to step (f).

As a first point of order, Applicant submits that Lamkin is not prior art to Applicant's claimed invention. Lamkin was filed on May 20, 2005. Lamkin claims priority to a number of

prior filed applications, the earliest of which being filed in the U.S. on April 21, 1999. Applicant submits that the specification of Lamkin does not support the claims of Lamkin being used as a basis of rejection of Applicant's claimed invention. Thus, Applicant submits that the true filing date of Lamkin is May 20, 2005, which is after Applicant's claimed filing date of November 12, 2003.

Furthermore, paragraph 5 of the Official Action argues that Lamkin discloses Applicant's claimed "specific information contained in said normally reproduced last contents information includes at least one of contents information offset information and offset information of said data read from said recording medium." Applicant traverses. Applicant has reviewed cited paragraphs [0106]-[0110] and [0115]-[0118] and finds no occurrence of the term "offset" in these paragraphs. Indeed, the Official Action merely alleges that Applicant's claimed feature is found in these paragraphs without identifying a specific construct for said feature.

Regarding, asserted claim 2 of Lamkin, as noted previously, this claim was copied from Applicant's published application and has no support within the specification of Lamkin. Thus, claim 2 of Lamkin is not a proper basis of rejection.

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Lamkin does not disclose or suggest all

of the features recited in claims 1, 12, 17, 25, 39 and 50, Lamkin does not anticipate the invention recited in claims 1, 12, 17, 25, 39 and 50, and all claims depending therefrom.

Turning now to independent claims 30 and 34, independent claim 30 recites, *inter alia*:

> b) sending a command for requesting adjustment of a contents information bit rate to said contents provider server, if a size of contents information downloaded into a buffer memory of said recording medium device and not yet reproduced is smaller than or equal to a first predetermined reference value or greater than or equal to a second predetermined reference value.

However, as noted in Applicant's previously filed response, contrary to the Official Action, paragraphs [0054] to [0083] of Lamkin do not disclose or suggest the above-identified feature. Paragraph [0060] of Lamkin describes an application programming interface (API) that provides interaction with hardware platform (402) by means of commands (or methods), properties, and events. Commands (also called methods) are executed ***to control the playback of***, search of, and navigation through video and/or audio content. The environment can be queried to ascertain the status of various properties. Events are ***triggered*** by the occurrence of various operating or playback conditions and serve to provide notification of these playback conditions. Events are essential for scripting and the simultaneous presentation of the media content (audio and/or video) with other web assets (such as text, graphics, etc.). Thus, properties are passive (provided in response to queries) and events are active (provided without queries). However, none of the triggers described in Lamkin correspond to Applicant's claimed conditional step of sending a command for requesting a bit rate adjustment. Thus, for independent reasons, Applicant submits that claim 30 patentably defines over the applied reference(s).

Regarding, asserted claim 30 of Lamkin, as noted previously, this claim was copied from Applicant's published application and has no support within the specification of Lamkin (i.e., Lamkin does not mention bit rate.) Thus, claim 30 of Lamkin is not a proper basis of rejection.

Independent claim 34 is directed to

> A method for providing contents information ***in a contents provider server***, comprising:
>
> a) sequentially sending contents information whose sending is requested by a device connected via a network interface, said contents information being associated with data to be reproduced in the device; and
>
> b) adjusting the bit rate in response to a command for requesting adjustment of a contents information bit rate and sending the requested contents information at the adjusted bit rate.

Paragraph [0060] of Lamkin describes commands (also called methods) that are executed to control the playback of, search of, and navigation through video and/or audio content. The environment can be queried to ascertain the status of various properties. Events are triggered by the occurrence of various operating or playback conditions and serve to provide notification of these playback conditions. Events are essential for scripting and the simultaneous presentation of the media content (audio and/or video) ***with other web assets (such as text, graphics, etc.)***. Thus, properties are passive (provided in response to queries) and events are active (provided without queries).

However, Lamkin does not disclose or suggest 1) Applicant's claimed step of sequentially sending contents information from a server; or 2) Applicant's claimed step of adjusting a bit rate of the server in response to a command for requesting adjustment of a contents information bit rate and sending the requested contents information at the adjusted bit

rate. Thus, for independent reasons, Applicant submits that claim 34 patentably defines over the applied reference(s).

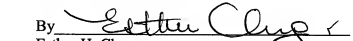
## Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

Dated: November 6, 2009

Respectfully submitted,

By 

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